

AMENDMENTS TO THE CLAIMS

1-26. (Canceled)

27. (Currently Amended) A method of treating a patient having a spinal deformative, wherein said patient includes a first vertebra and a second vertebra, the first vertebra having a generally vertically extending first peripheral wall and a first cortical bone endplate and the second vertebra having a ~~having a~~ generally vertically extending second peripheral wall and a second cortical bone endplate, said method comprising:

selecting a spinal implant ~~having an elongated body extending from said first terminal part and said second terminal part, said body defining a longitudinal axis and having comprising~~ a first terminal part, an opposite, second terminal part, an upper, first surface and a lower, second surface ~~wherein the first upper surface and the second lower surface are arcuate extending arcuately along the longitudinal axis from the first terminal part to the second terminal part and wherein said implant first terminal end includes a first bearing surface adapted to bear against a portion of the first cortical bone endplate proximate to the first peripheral wall and an opposite second bearing surface adapted to bear against the second cortical bone endplate proximate to the second peripheral wall; and~~

~~surgically~~ implanting the implant between the first vertebra and the second vertebra wherein the first and second terminal parts are positioned interior of the first and second peripheral side walls.

28. (Original) The method of claim 27 comprising removing a portion of the first cortical bone endplate and a portion of the second cortical bone endplate with a tool having cutting portion including a pair of generally parallel opposing surfaces, each surface having a first arcuate cutting edge corresponding to the upper surface of the implant and an opposite second arcuate cutting edge corresponding to the lower surface of the implant.

29. (Previously Presented) The method of claim 27 wherein said spinal implant is formed of a material selected from the group consisting of: titanium, a composite, a ceramic, bone, stainless steel, and surgical steel.

30. (New) A method of treating a patient having a spinal deformative, said method comprising:

inserting a cutting tool into the disc space between a first vertebra and an adjacent second vertebra, wherein said cutting tool comprises a cutting head including opposing, arcuate cutting edges to cut a first endplate of the first vertebra and a second endplate of the second vertebra;

rotating said cutting head to cut a first recess in the first endplate and a second recess in the second endplate;

selecting a spinal implant having an elongated body defining a longitudinal axis and comprising a first terminal end, and opposite second terminal end, an upper first surface, and a lower, second surface wherein the first surface and the second surface are arcuate along the longitudinal axis; and

implanting the implant between the first vertebra and the second vertebra whereby the first and second terminal ends engage with uncut cortical bone of the first and second vertebra.

31. (New) The method of claim 30 wherein said implanting comprises implanting the spinal implant so the upper surface bears against the first recess in the first endplate and the lower surface bears against the second recess in the second endplate.

32. (New) The method of claim 30 wherein said implanting comprises positioning the implant within the disc space whereby the first terminal end and the second terminal end both contact the endplates of the first and second vertebrae.

33. (New) The method of claim 30 wherein the implant includes a cavity.

34. (New) The method of claim 33 comprising collecting bony debris from said first and second vertebra and placing the bony debris in the cavity.

35. (New) The method of claim 30 wherein said implanting comprises positioning the spinal implant in the disc space and thereafter rotating the spinal implant about one quarter turn about its longitudinal axis.

36. (New) The method of claim 30 comprising inserting a guide sleeve directed to the disc space between the adjacent first and second vertebra.

37. (New) The method of claim 36 wherein said inserting a cutting tool comprising inserting the cutting tool through the guide sleeve.

38. (New) The method of claim 36 wherein said implanting comprises implanting the spinal implant through the guide sleeve.

39. (New) The method of claim 38 wherein rotating said cutting head simultaneously cuts portions of the first endplate and the second endplate.

40. (New) The method of claim 30 comprising cutting the first and second endplates and retaining the vertically extending cortical vertebral body walls of the first and second vertebrae uncut.

41. (New) The method of claim 40 wherein rotating said cutting head simultaneously cuts portions of the first endplate and the second endplate.

42. (New) The method of claim 30 wherein said spinal implant is formed of a material selected from the group consisting of: titanium, a composite, a ceramic, bone, stainless steel, and surgical steel.

43. (New) The method of claim 30 wherein the implant includes anti-expulsion structures.

44. (New) The method of claim 30 wherein the second terminal part is arcuate.

45. (New) The method of claim 30 wherein rotating said cutting head simultaneously cuts portions of the first endplate and the second endplate.

46. (New) The method of claim 30 wherein rotating said cutting head cuts equally into the first and second endplates.